

JUN 1 2012

U.S. DISTRICT COURT
MID. DIST. TENN.

IN THE UNITED STATES DISTRICT COURT

FOR THE _____ DISTRICT OF TENNESSEE
_____ DIVISION

Michael Darren Collins Name

Prison Id. No. N/A

Tony Lamar Pierce Jr. Name

Prison Id. No. 406029

Plaintiff(s)

(List the names of all the plaintiffs filing this lawsuit. Do not use "et al." Attach additional sheets if necessary.)

Civil Action No. _____
(To be assigned by the Clerk's office. Do not write in this space.)

Jury Trial ☐ Yes ☐ No

v.

Maury County Jail Name

Sheriff Enoch George Name

Defendant(s)

(List the names of all defendants against whom you are filing this lawsuit. Do not use "et al." Attach additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
FILED PURSUANT TO 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuits in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?

☐ Yes

☒ No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs None

Defendants None

2. In what court did you file the previous lawsuit? None
(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)
3. What was the case number of the previous lawsuit? None
4. What was the Judge's name to whom the case was assigned? None
5. When did you file the previous lawsuit? None (Provide the year, if you do not know the exact date.)
6. What was the result of the previous lawsuit? For example, was the case dismissed, appealed, or still pending? None
7. When was the previous lawsuit decided by the court? None (Provide the year, if you do not know the exact date.)
8. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit.
- ☐ Yes ☒ No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

II. THE PLAINTIFF'S CURRENT PLACE OF CONFINEMENT (The following information must be provided by each plaintiff.)

- A. What is the name and address of the prison or jail in which you are currently incarcerated? Maury County Jail :- 1300 Lawson White Dr. Columbia, TN 38401
- B. Are the facts of your lawsuit related to your present confinement?
- ☒ Yes ☐ No
- C. If you checked the box marked "No" in question II.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain.
- None
- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State Prison?
- ☐ Yes ☒ No

If you checked the box marked "No," proceed to question II.H.

E. If you checked the box marked "Yes" in question II.D above, have you presented these facts to the prison authorities through the state grievance procedure?

☐ Yes ☐ No

F. If you checked the box marked "Yes" in question II.E above:

1. What steps did you take? _____

2. What was the response of prison authorities? _____

G. If you checked the box marked "No" in question II.E above, explain why not. _____

H. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?

☒ Yes ☐ No

I. If you checked the box marked "Yes" in question II.H above, have you presented these facts to the authorities who operate the detention facility?

☒ Yes ☐ No

J. If you checked the box marked "Yes" in question II.I above:

1. What steps did you take? We have filed several grievances & Multiple Medical requests

2. What was the response of the authorities who run the detention facility? Verbal: "This is not a hotel" Written: Refused to respond on written paper.

L. If you checked the box marked "No" in question II.I above, explain why not. _____

Attach copies of all grievance related materials including, at a minimum, a copy of the grievance you filed on each issue raised in this complaint, the prison's or jail's response to that grievance, and the result of any appeal you took from an initial denial of your grievance.

III. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: Michael Darren Collins

Prison Id. No. of the first plaintiff: N/A

Address of the first plaintiff: Maury County Jail: 1300 Lawson
White Dr. Columbia, TN 38401

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

2. Name of second the plaintiff: Tony Lamar Pierce Jr.

Prison Id. No. of the second plaintiff: 406029

Address of the second plaintiff: Maury County Jail: 1300 Lawson
White Dr. Columbia, TN 38401

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: Maury County Jail Staff

Place of employment of the first defendant: Maury County Jail

The first defendant's address: 1300 Lawson White Dr. Columbia,
TN 38401

Named in official capacity?

☒ Yes

☐ No

Named in individual capacity"

☐ Yes

☒ No

2. Name of the second defendant: Sheriff Enoch George

Place of employment of the second defendant: Maury County
Sheriff's Department

The second defendant's address: work address: 1300 Lawson White
Dr. Columbia, TN 38401 ; Home address: Unknown.

Named in official capacity?

☐ Yes

☒ No

Named in individual capacity"

☒ Yes

☐ No

If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, their place of employment, their address, and the capacity in which you are suing them. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide their proper name, place of employment, and address, the Clerk will be unable to serve them should process issue.

IV. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 in. x 11 in. paper. Write on one side only, and leave a 1 in. margin on all four sides.

Our 8th (eighth) amendment right has been violated. We have been subject to cruel and unusual punishment during our incarceration here at Maury County Jail.

We find that we are not being fed enough daily to maintain physical & mental health. We also find that the lack of sufficient amount of food is causing us to lose unreasonable amounts of weight. Therefore causing an unreasonable threat to our physical and mental health.

We have filed numerous grievances about the food which have been ignored. Also we have filed several medical requests requesting vital checks which have gone unnoticed also.

Please see attached notes that we believe fully support our case.

We the plaintiffs pray that the honorable courts give us the opportunity to present our case in open court. Thank you for your time and patience.

V. RELIEF REQUESTED: Specify what relief you are requesting against each defendant.

- A. We would like the Jail to be forced to give us sufficient amounts of food.
- B. We would like the Jail to be forced to supply us more nutritious meals.
- C. we would like the courts to Grant us Monetary Compensation for our pain and anguish.
- D. we ask that the courts enforce our 8th amend. right to be free from cruel & unusual punishment.
- E. We would like the Sheriff Ernie George to be held responsible for these conditions.
- F. I request a jury trial. ☒ Yes ☐ No

VI. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: Michael Dunn Celler Date: _____

Prison Id. No. None

Address: Maury County Jail : 1300 Lawson White Dr
Columbia, TN 37401
(Include the city, state and zip code.)

Signature: James Samuel France Jr Date: _____

Prison Id. No. 406029

Address: Maury County Jail: 1300 Lawson White Dr
Columbia, TN 37401
(Include the city, state and zip code.)

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information listed above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN FORMA PAUPERIS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT, THE REQUIRED FILING FEE, OR APPLICATION TO PROCEED IN FORMA PAUPERIS, TOGETHER. Complaints received without the required filing fee or application to proceed *in forma pauperis* will be returned. Filing fees, or applications to proceed *in forma pauperis*, received without a complaint will be returned.

Enclosed is an (15) fifteen day account
of our meals and bites taken to
consume our meals. Also enclosed are
references to our case regarding violation
of our 8th eighth amendment. These
help us with these problems. Also enclosed
is a list of inmates who have lost
lot of weight and are willing to
testify about the food here. Thank you
for your time & patience.

May 1, 2012 - Tuesday

Breakfast	Lunch	Dinner
2 piece Toast	Hamburger	Meat loaf Sandwich
Eggs	beans	green beans
4 Tater tots	Mashed Potatoes	rice
Oatmeal	Cake	Cake
8oz Cup Kool-Aid	8oz Cup Kool-Aid	8oz Cup of tea
Entire Meal Consumed in 23 bites	Entire Meal Consumed in 19 bites	Entire Meal Consumed in 18 bites

Total: 60 Bites

May 2, 2012 Wednesday

Breakfast	Lunch	Dinner
Waffles (2)	Bologna Sandwich	Beef Stew
Bologna 1/2 slice	Chip (Approx 12)	Salad
Cheese	Macaroni Salad	Corn bread
8oz Cup of Milk	Cake	Cake
Entire Meal Consumed in 17 bites	8oz Cup Kool-Aid	8oz Cup of tea
	Entire meal Consumed in 20 bites	Entire Meal Consumed in 24 bites

Total: 61 Bites

May 3, 2012 Thursday

Breakfast	Lunch	Dinner
2 piece toast	Chuewagon Sand.	Chilli & Rice
1 slice Bologna	1/2 Potatoe	Cabbage
Eggs	White beans	Cornbread
Oatmeal	Cole-Slaw	Cake
8oz Carton Milk	8oz Cup Kool-Aid	8oz Cup of tea
Entire Meal Consumed in 19 bites	Entire Meal Consumed 21 bites	Entire Meal Consumed in 22 bites

Total: 62 bites

May 4, 2012 Friday

Breakfast	Lunch	Dinner
2 piece toast	Bologna sand.	Chicken & Noodles
1 piece Sausage	Chips (approx. 9)	Beans
Eggs	Macaroni Salad	Bread 2 slices
Cereal	Cake	Cake
8oz Carton Milk	8oz Cup of Juice	8oz Cup of tea
Entire Meal Consumed in 17 bites	Entire Meal Consumed in 22 bites	Entire Meal Consumed in 25 bites

Total: 64 bites

May 5, 2012 Saturday

Breakfast	Lunch	Dinner
Waffles (2)	Chicken Sand.	Salisbury patty
1 slice Bologna	1/2 Potatoe	rice
Oatmeal	Cole-Slaw	Corn bread
8oz Carton Milk	Cake	beans
	8oz Cup Kool-Aid	Juice - 8oz Cup tea
Entire Meal Consumed in 18 bites	Entire Meal Consumed in 19 bites	Entire meal Consumed in 22 bites

Total: 59 bites

May 6, 2012 Sunday

Breakfast	Lunch	Dinner
2 biscuits (small)	Hamburger	Beef and rice
Eggs	Mashed potatoes	2 slices bread
Bologna 1 slice	Macaroni Salad	Cabbage
grits	2 Cookies	Cake
8oz Carton Milk	8oz Cup Kool-Aid	8oz Cup of tea
Entire Meal Consumed in 20 bites	Entire Meal Consumed in 19 bites	Entire meal Consumed in 24 bites

Total: 63 bites

May 7, 2012 Monday

Breakfast	Lunch	Dinner
2 piece toast	Beanie Weenie	Turkey Sandwich
6 later taste	corn bread	Dressing
1 slice bologna	1/2 potatoe	Peas
oatmeal	Pudding (Banana)	Cake
8oz Cup Kool-Aid	8oz Cup Kool-Aid	8oz Cup of tea
Entire Meal Consumed in 15 bites	Entire Meal Consumed in 23 bites	Entire Meal Consumed in 18 bites

Total: 56 bites

May 8, 2012 Tuesday

Breakfast	Lunch	Dinner
2 piece toast	Chicken Sandwich	Beef Stew
Eggs	Cole-Slaw	Cornbread
4 later taste	white beans	Cabbage
1 slice bologna-Grits	Cake	Cake
8oz Cup Kool-Aid	8oz Cup Kool-Aid	8oz Cup of tea
entire Meal Consumed in 22 bites	Entire Meal Consumed in 18 bites	Entire Meal Consumed in 23 bites

Total: 63 bites

May 9, 2012 Wednesday

Breakfast	Lunch	Dinner
2 slice toast	Bologna sand.	Groolash
Eggs	Chips (approx 11)	Turnip Green
Sausage	Potatoe Salad	Corn bread
grits	Jell-o	Cake
8oz Carton Milk	8oz Cup Kool-Aid	8oz Cup of tea
Entire Meal Consumed in 19 Bites	Entire Meal Consumed in 21 bites	Entire Meal Consumed in 24 bites

Total: 64 bites

May 10, 2012 Thursday

Breakfast	Lunch	Dinner
2 waffles	Meatball sub	Spaghetti
1 Slice Bologna	Rice	2 Slice Toast
Grits	Macaroni Salad	Salad
8oz Carton Milk	Cake	Cake
	8oz Cup Kool-Aid	8oz Cup Tea
Entire Meal Consumed in 15 bites	Entire Meal Consumed in 17 bites	Entire Meal Consumed in 26 bites

Total: 58 bites

May 11 2012 Friday

Breakfast	Lunch	Dinner
2 Slice toast	Tacos	Chuckwagon sand.
1 piece Sausage	Rice	Cabbage
Eggs	1 Slice Cheese	Mashed potatoes
Cereal	refried beans	Cake
8oz Carton Milk	Cake / 8oz Cup Kool-Aid	8oz Cup Tea
Entire Meal Consumed in 17 bites	Entire Meal Consumed in 18 bites	Entire Meal Consumed in 20 bites

Total: 55 bites

May 12, 2012 Saturday

Breakfast	Lunch	Dinner
2 Slice toast	Hamburger	Turkey Sandwich
1 Slice bologna	Chips (approx 11)	Dressing
Eggs	beans	Peas & Carrots
Oatmeal	Cake	Cake
8oz Carton Milk	8oz Cup Kool-Aid	8oz Cup tea
Entire Meal Consumed in 18 bites	Entire Meal Consumed in 21 bites	Entire Meal Consumed in 18 bites

total: 57 bites

May 13, 2012 Sunday

Breakfast	Lunch	Dinner
2 waffles Bologna 1 slice oatmeal 8oz carton milk	2 Hot dogs Coke-slaw Potatoe salad Cake 8oz cup Kool-Aid	Salisbury sandwich beans Rice Cake 8oz cup tea
Entire Meal Consumed in 15 bites	Entire Meal Consumed in 29 bites	Entire Meal Consumed in 18 bites
Total: 62 bites		

May 14, 2012 Monday

Breakfast	Lunch	Dinner
2 slice toast 1 slice bologna (later tot) Grits 8oz carton milk	Chicken sandwich white beans Mashed potatoes Cake 8oz cup Kool-Aid	Meat balls $\frac{3}{4}$ Noodle 2 slice bread Cabbage Cake 8oz cup tea
Entire Meal Consumed in 15 bites	Entire Meal Consumed in 20 bites	Entire Meal Consumed in 23 bites
Total: 58 bites		

May 15, 2012 Tuesday

Breakfast	Lunch	Dinner
Cake Tater-tots Eggs/bologna Grits 8oz Milk	Bologna Sandwich Mashed potatoes Peas & Carrots Cake 8oz Kool-Aid	Hamburger Rice white beans Cake 8oz Tea
Entire Meal Consumed in 20 bites	Entire Meal Consumed in 17 bites	Entire Meal Consumed in 18 bites

AVERAGE - 59.8 bites per day. Total: 55 bites

The Constitution prohibits on those deprivations denying the Minimal Civilized Measure of life's necessities which are sufficiently grave to form the basis of the eighth amendment violation.

Grubbs v. Bradley, 821 F. Supp. 496, 1993 U.S. Dist. LEXIS 6639 (M.D. Tenn. 1993)

We believe that the insufficient amounts of food and the lack of nutrition in the food constitutes the deprivation of a necessity of life and is a direct violation of U.S. Const. Amend. 8 in terms of cruel and unusual punishment.

(1) To establish that prison officials have violated an inmates 8th (eighth) Amendment right to be free from cruel and unusual punishment, an inmate must show: (1) That incarceration conditions posed a substantial risk or serious harm; and (2) That the prison official has the state of mind of deliberate indifference to inmate health and safety. *Miller v. Shelby County*, 93 F. Supp. 2d 892, 2000 U.S. Dist. LEXIS 5550 (W.D. Tenn. 2000)

1) We have showed that incarceration conditions pose a substantial risk or harm by our weight loss our inability to exercise due to malnutrition and our minimal amounts of food shown in food charts.

2) The prison official has showed deliberate indifference by continuously refusing to respond to our grievances and medical requests.

* * * * *

Prisoners must be afforded sufficient opportunity for physical exercise to maintain proper health. Likewise, undue restrictions on prisoners' opportunities for physical exercise may constitute cruel and unusual punishment in violation of U.S. Const. amend. 8 when they pose an unreasonable threat to the prisoners' physical and mental health.

Continued →

Curves V. Knox County, 753 F. Supp. 1370,
1989 U.S. Dist. LEXIS 17263 (E.D. Tenn. 1989)

- Lack of proper Nutrition and Sufficient amounts
of Food has put an undue restriction on
our opportunities for physical exercise therefore
hindering us from being able to maintain
proper health.

* * * * *

With respect to Conditions of Confinement, U.S.
Const. amend. 8 and U.S. Const. amend. 14
prohibit the states from imposing Cruel and
unusual punishment on their incarcerated Felons.
Grubbs V. Bradley, 821 F. Supp. 496, 1993
U.S. Dist. LEXIS 6639 (M.D. Tenn. 1993)

- we have come to believe that the diet
here is a direct violation of U.S. Const. amend
8. and is Cruel and unusual punishment.

* * * * *

U.S. Const. amend 8 requires states to furnished
incarcerated felons with reasonably adequate
Food, Clothing, shelter, Sanitation, medical care,
and personal safety. Grubbs V. Bradley, 821
F. Supp. 496, 1993 U.S. Dist. LEXIS 6639 (M.D. Tenn 1993)

We are not Supplied with reasonably adequate
Food.

inmates who have lost large amounts
of weight and are willing to testify
in Court to our conditions.

Michael Darren Collins } weight loss
Michael Darren Collins } approx. 30 lbs

Tony Lamar Pierce Jr. } weight loss
Tony Lamar Pierce Jr. } approx. 30-35 lbs

Quentin Doshaw Alcorn } weight loss
Quentin Doshaw Alcorn } approx. 20 lbs

Kendall Nardine Jordan } weight loss
Kendall Nardine Jordan } approx. 20-25 lbs

Lavoski Sanchez Jr. } weight loss
Lavoski Sanchez Jr. } approx. 20 lbs

David Campbell } weight loss
David Campbell } approx. 35 lbs

Jimmy Ray Staggs } weight loss Continued over
Jimmy Ray Staggs } approx. 15 lbs Page 29

Kenneth Ray Workman > weight loss
Kenneth Ray Workman approx. 20 lbs

Steve E. Thomason > weight loss
Steve E. Thomason approx. 20 lbs

Jay Thomas Aldis > weight loss
Jay Thomas Aldis approx. 20 lbs

James Holt > weight loss
James Holt approx. 12-15 lbs

James Wall > weight loss
James Wall approx. 20 lbs

James Daniel Cummins > weight loss
James Daniel Cummins approx. 40 lbs

PLAINTIFFS/WITNESSES / Prison NO.

Michael Darren Collins - prison no. - None

Tony Lamar Pierce Jr. - prison no. - 406029

Cavoris Doshay Abernathy - prison no. - N/A

Kendall Mandrez Jordan - prison no. - N/A

Kavosici Sanchez Pye - prison no. - 296645

David Campbell - prison no. - N/A

Jimmy Ray Staggs - prison no. - 222521

Kenneth Ray Workman - prison no. - 399608

Steve E. Thomason - prison no. - 431586

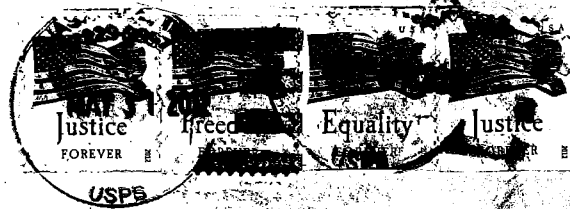
Jay Thomas Aldis - prison no. - N/A

James Holt - prison no. - N/A

James Wall - prison no. - N/A

James Daniel Cummins - prison no. - N/A

Michael Collins
1300 Lawson White Dr.
Columbia, TN 38401



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JUN 1 2012

U.S. DISTRICT COURT
MID. DIST. TENN.

Clerk, U.S. District Court
U.S. Courthouse, Room 800
Nashville, Tennessee 37203